

LAW OFFICES OF MARTIN E. RESTITUYO, P.C.
1325 Avenue of the Americas, 28th Floor, New York, New York 10019

Martin E. Restituyo
Tel: 212-729-7900
Fax: 212-729-7490
restituyo@restituyolaw.com

March 15, 2024

Via ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 14D
New York, New York 10007-1312

Re: *Pizarro v. Euros El Tina Restaurant Lounge and Billiards, et al.*,
Case No. 20 Civ. 5783 (AKH)

Dear Judge Hellerstein,

I am counsel for Defendants/Counterclaim/Crossclaim Plaintiffs Euros El Tina Restaurant and Billiards Corp., Santiago Quezada, and Santiago Quezada Jr. (hereinafter “Defendants”). Defendants write to respectfully request that this case be restored to the trial calendar.

As the Court may recall, this case has two parts. In the first part, Plaintiff brought claims against the Defendants for, among other things, violations of Title VII and the NYC Human Rights Law. *See* ECF Doc. No. 1. In turn, the Defendants brought cross claims and counterclaims against Plaintiff and other third-party defendants for *inter alia* fraud and conversion. *See* ECF Doc. No. 46. By Order dated May 20, 2022, the Court bifurcated the aforementioned claims and set a date for trial on Plaintiff’s claims but not for Defendants’ claims. *See* ECF Doc. No. 137.

The trial of Plaintiff’s claims took place in October 2023. However, Defendants’ counterclaims and cross claims remain untried. Nevertheless, on February 27, 2024, the Court issued its Order “Denying Defendants’ Post Trial Motions, and Granting Plaintiff’s Fees Motion” (ECF Doc. No. 195) in which it directed the Clerk to “terminate all open motions and mark the case closed.”

Since the Defendants have not had an opportunity to try their part of the case, Defendants respectfully request that the Court return the case to the trial calendar for resolution of this part of the case.

We thank you for your attention to this matter. Should you have any questions or concerns please do not hesitate to contact us.

Very truly yours,

Martin E. Restituyo

cc. All Parties (Via ECF)